

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, AUGUST 28, 2006**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:01 p.m. on Monday, August 28, 2006, with President Gray presiding.

Councillor McWhirter led the opening prayer and invited all present to join her in the Pledge of Allegiance to the Flag.

ROLL CALL

President Gray instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

29 PRESENT: Abdullah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy

A quorum of twenty-nine members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Bowes recognized Eagledale Neighborhood Association members in attendance. Councillor Abdullah introduced Phyllis Hackett, president of the Riverside Civic League. Councillor McWhirter recognized Merri Anderson, neighborhood activist. Councillor Pfisterer recognized new neighborhood association leaders, Tom and Sara Glass of the 500 View Neighborhood Association. Councillor Conley recognized Indianapolis Police Department officer Shirley Purvitis. Councillor Oliver recognized Oscar Davis and family.

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journal of August 7, 2006. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 466, 2006. The proposal, sponsored by Councillors Cain and Franklin, recognizes the achievements of the Lawrence Township Assessor's Office. Councillor Cain read the proposal and presented representatives with copies of the document and Council pins. Paul Ricketts, Lawrence Township Assessor, thanked the Council for the recognition and said that he has an exceptional self-motivated staff. Councillor Cain moved, seconded by Councillor Franklin, for adoption. Proposal No. 466, 2006 was adopted by a unanimous voice vote.

Proposal No. 466, 2006 was retitled COUNCIL RESOLUTION NO. 104, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 104, 2006

A COUNCIL RESOLUTION recognizing the achievements of the Lawrence Township Assessor's Office.

WHEREAS, the Lawrence Township Assessor and Deputy Assessors have 157 years of experience in the assessment/appraisal field; and

WHEREAS, the Lawrence Township Assessor and Deputy Assessors hold a Masters degree, two (2) Bachelors degrees, two (2) Indiana Real Estate Salesmen licenses, and two (2) Indiana Real Estate Brokers licenses between them; and

WHEREAS, the Lawrence Township Assessor and Deputy Assessors have served as instructors on numerous occasions for statewide education classes in assessment practices; and

WHEREAS, there are two (2) Level I Certified Indiana Assessors/Appraisers, and eleven (11) Level II certified Indiana Assessor/Appraisers, with Level II being the highest certification bestowed by the State of Indiana; and

WHEREAS, Paul Ricketts, the Lawrence Township Assessor, and the Deputy Assessors have received a letter of commendation from the State Director of the Department of Local Government and Finance for their achievement of being the first and only assessing office in Indiana in which the Assessor and every employee are certified Indiana Assessor/Appraisers; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes the Lawrence Township Assessors for their great accomplishments and dedication to serving the public.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 467, 2006. The proposal, sponsored by Councillor Oliver, recognizes winners of the "Crime Fighter of the Year" Awards presented on August 1, 2006 at the 23rd annual National Night Out. Councillor Oliver read the proposal and presented representatives with copies of the document and Council pins. Crime Watch Officer Shirley Purvitis and recipients Jake Hiner, Oliver Davis and Tom Glass thanked the Council for the recognition. Councillor

Oliver moved, seconded by Councillor Brown, for adoption. Proposal No. 467, 2006 was adopted by a unanimous voice vote.

Proposal No. 467, 2006 was retitled SPECIAL RESOLUTION NO. 56, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 56, 2006

A SPECIAL RESOLUTION recognizing winners of the "Crime Fighter of the Year" Awards presented on August 1, 2006 at the 23rd annual National Night Out.

WHEREAS, on August 1, 2006, neighborhoods throughout Indianapolis were invited to join forces with communities nationwide for the 23rd annual "National Night Out", which showcases the vital importance of police-community partnerships and citizen involvement in the fight to build safer communities; and

WHEREAS, National Night Out is designed to heighten crime and drug prevention awareness, generate support for and participation in local anti-crime efforts, strengthen neighborhood spirit and police-community partnerships, and send a message to criminals letting them know neighborhoods are organized and fighting back; and

WHEREAS, Marion County residents were encouraged to participate in events with public safety officers from 4:00pm to 10:00pm on August 1st, such as block parties, cookouts, parades, flashlight walks, contests, youth activities, and anti-crime rallies; and

WHEREAS, the day kicked off with an awards ceremony at the City Market downtown, where 16 individuals received "Crime Fighter of the Year" Awards to recognize their involvement in crime prevention activities in their community; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes winners of the "Crime Fighter of the Year" Awards presented at the 23rd annual National Night Out; specifically, Paula Macon, Jake Hiner, Charles Appleman, Mike Herndon, Corey Bordenkecker, Lillian Davis (posthumous), Steve Pruitt, Tom and Sarah Glass, Waldine Anderson, Sadie Richardson, Sue Patterson, Meredith Johnson, Shirley Soforic, Robert W. Bowser III, Emma Sue Ratekin, and Don Garrett.

SECTION 2. The Council extends its gratitude and appreciation to these individuals for their involvement in anti-crime and drug prevention community efforts and encourages all citizens to be aware of the impact that their participation can have on reducing crime, drugs and violence in their community.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 468, 2006. The proposal, sponsored by Councillor Bradford, honors The Black Cowboys Association. Councillor Bradford read the propsoal and presented representatives with copies of the document and Council pins. Greg Wilson, Paul Ross and Sonny Davenport, association members, thanked the Council for the recognition. Councillor Bradford moved, seconded by Councillor Gibson, for adoption. Proposal No. 468, 2006 was adopted by a unanimous voice vote.

Proposal No. 468, 2006 was retitled SPECIAL RESOLUTION NO. 57, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 57, 2006

A SPECIAL RESOLUTION honoring The Black Cowboys Association.

WHEREAS, "The Black Cowboys" have over 25 members and occupy two barns on the Indiana State Fair property with over 40 heads of horses, and they are often seen trail riding along Fall Creek Parkway; and

WHEREAS, the Cowboys have entertained and taught both children and adults by participating in events such as the Circle City Classic, The Center Township Fun Festival for IPS, and School #110's Back-to-School Festival; and

WHEREAS, the association continues to participate in activities at the Indiana Women's Prison and the Veterans' Hospital; and

WHEREAS, the Cowboys enjoy teaching people about equine and are inspired by members like Chuck Nelson and past members like Charles Mc Farland; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council thanks The Black Cowboys Association for their service to the citizens of Indianapolis and across Indiana, entertaining and teaching through many events and appearances.

SECTION 2. The Council wishes The Black Cowboys Association a wonderful ride into the future.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 469, 2006. The proposal, sponsored by Councillor Bradford, recognizes IUPUI for hosting the Native American Education Conference, September 28-30, 2006. Councillor Bradford said that members could not attend this evening, and he moved, seconded by Councillor Gibson, to postpone Proposal No. 469, 2006 until September 18, 2006. The proposal was postponed by a unanimous voice vote.

PROPOSAL NO. 386, 2006. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 386, 2006 on August 22, 2006. The proposal, sponsored by Councillors Conley, Gray and Brown, appoints Brenda Rising-Moore to the City-County Administrative Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 386, 2006 was adopted by a unanimous voice vote.

Proposal No. 386, 2006 was retitled COUNCIL RESOLUTION NO. 105, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 105, 2006

A COUNCIL RESOLUTION appointing Brenda Rising-Moore to the City-County Administrative Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the City-County Administrative Board, the Council appoints:

Brenda Rising-Moore

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2006 and until a successor is appointed and qualifies.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 452, 2006. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$4,000 in the 2006 Budget of the Marion County Treasurer (County General Fund) to purchase a currency scanner to ensure counterfeit bills are not accepted during tax collections"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 453, 2006. Introduced by Councillor Nytes. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$11,000 in the 2006 Budget of the Washington Township Assessor (County General Fund) to contract for appraisal services"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 454, 2006. Introduced by Councillors Sanders and Keller. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease approximately 32,000 square feet of space at 3821 Industrial Boulevard for use by the Indianapolis Metropolitan Police Department for its Northwest District Headquarters and Special Operations"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 455, 2006. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Andrew Harris, a resident of the Wayne Township Fire District, to the Common Construction Wage Committee"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 456, 2006. Introduced by Councillors Sanders, Gibson, Conley, Gray and Brown. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies and approves the 2007 operating budget of the Capital Improvement Board of Managers "; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 457, 2006. Introduced by Councillors Gibson, Conley, Sanders, Gray and Brown. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies, and approves the 2007 operating budget of the Health and Hospital Corporation"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 458, 2006. Introduced by Councillors Gibson, Conley, Sanders, Gray and Brown. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies and approves the 2007 operating budget of the Indianapolis Airport Authority"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 459, 2006. Introduced by Councillors Gibson, Conley, Sanders and Gray. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies and approves the 2007 operating budget of the Indianapolis Public Transportation Corporation"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 460, 2006. Introduced by Councillors Gibson, Conley, Sanders and Gray. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies and approves the 2007 operating budget of the Indianapolis-Marion County Public Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 461, 2006. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$5,000 in the 2006 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to appropriate a grant from the Department of Treasury to reimburse for overtime costs related to the Alcohol, Tobacco and Firearms Task Force"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 462, 2006. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$500 in the 2006 Budget of the Marion County Sheriff's Department (County Grants Fund) to appropriate a grant from the Sam's Club Foundation to supply teddy bears that will be used by Crime Prevention to hand out to children who are in crisis situations"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 463, 2006. Introduced by Councillors Moriarty Adams, McWhirter, Franklin and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer and appropriation totalling \$1,368,524 in the 2006 Budget of the Department of Public Safety, Police Division (Non-lapsing Federal Grant fund) for various programs to fight crime, improve homeland security including security within the city-county building, and for police officer training, financed by a \$19,000 transfer between characters of an existing federal grant, and new grants from the Indiana Criminal Justice Institute, U.S. Bureau of Alcohol, Tobacco and Firearms, and the Indiana Department of Homeland Security"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 464, 2006. Introduced by Councillors Moriarty Adams, McWhirter, Franklin and Randolph. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$783,204 in the 2006 Budget of the Department of Public Safety, Emergency Management Planning Division (Non-lapsing Federal Grants Fund), to upgrade training facilities, hire training and exercise consultants and purchase equipment that will enhance the mission of the Urban Area Security Initiative (UASI)"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 465, 2006. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$20,000 in the 2006 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund) to purchase a mobile cat display cage, fencing materials and related costs associated with the installation of an outside cattery on the animal shelter property, and to provide free sterilization surgeries and vaccinations for cats in Indianapolis, financed by a grant from the American Society for the Prevention of Cruelty to Animals"; and the President referred it to the Public Safety and Criminal Justice Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 470, 2006, PROPOSAL NOS. 471-472, 2006, PROPOSAL NO. 473, 2006, PROPOSAL NO. 474, 2006, PROPOSAL NOS. 475-476, 2006, PROPOSAL NOS. 477-480, 2006 and PROPOSAL NO. 481, 2006. Introduced by Councillor Mahern. Proposal No. 18, 2006, Proposal No. 19, 2006, and Proposal Nos. 20-24, 2006 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on August 4, 16, 17, and 18, 2006. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification

as REZONING ORDINANCE NOS. 125-136, 2006, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 125, 2006.

2006-ZON-014

11800 EAST 21ST STREET (Approximate Address), INDIANAPOLIS

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 18

ANTIOCH MISSIONARY BAPTIST CHURCH request rezoning of 13.563 acres, from the D-A District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 126, 2006.

2006-ZON-048

6324 KENTUCKY AVENUE (Approximate Address), INDIANAPOLIS

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 22

DAMAR SERVICES, INC., by Andrew B. Buroker and Brett J. Henry requests rezoning of 14.418 acres, from the C-S District, to the SU-7 classification to provide for the charitable, philanthropic or not-for-profit uses.

REZONING ORDINANCE NO. 127, 2006.

2006-ZON-056

3902, 3904, 3908, 3910 AND 3912 COSSELL ROAD (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 14

WASHINGTON PARK CEMETERY ASSOCIATION, INC., by S. Gregory Zubek requests rezoning of 4.5 acres, from the D-A District, to the SU-10 classification to provide for cemetery uses.

REZONING ORDINANCE NO. 128, 2006.

2005-ZON-169

8601 AND 8651 SOUTH EMERSON AVENUE (Approximate Addresses), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25.

8601 ASSOCIATES, LLC requests a rezoning of 58 acres, being in the D-A (FF) District, to the C-S (FF) classification to provide for commercial uses, and multi-family uses, as permitted by the C-4, and D-7 zoning classifications.

REZONING ORDINANCE NO. 129, 2006.

2006-ZON-053

4743 SOUTHEASTERN AVENUE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16

SEVENTH DAY ADVENTIST, by Robert V. Clutter requests rezoning of 2.735 acres, from the D-3 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 130, 2006.

2005-ZON-170

6021 KENTUCKY AVENUE (Approximate Address), INDIANAPOLIS

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 22.

JIM LINGENFELTER requests a rezoning of 0.91 acre, being in the SU-1 District, to the C-1 classification to legally establish, and provide for the expansion of office uses.

REZONING ORDINANCE NO. 131, 2006.

2005-ZON-842

4817 AND 4901 ROCKVILLE ROAD (Approximate Addresses), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 14.

METROPOLITAN SCHOOL DISTRICT OF WAYNE TOWNSHIP, by Philip A. Nicely, requests a rezoning of 8.213 acres from the D-5 (FF) District to the SU-2 (FF) classification to legally establish educational uses.

REZONING ORDINANCE NO. 132, 2006.

2005-ZON-105

7600 SOUTH MERIDIAN STREET (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 24.

JAMES A. MCMATH LIVING TRUST, by Michael J. Kias, requests a rezoning of 0.674 acre, being in the D-A District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 133, 2006.

2005-ZON-106 (Amended)

7607 SOUTH MERIDIAN STREET (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 23.

ROD AND STAFF MINISTRIES, by Michael J. Kias, requests a rezoning of 0.794 acre, being in the C-1 District, to the C-3 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 134, 2006.

2006-ZON-058

5201 WEST 59TH STREET (Approximate Address), INDIANAPOLIS

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1

DAVIS HOMES, LLC by Mary Solada, requests rezoning of 24.6 acres, from the D-6II District, to the D-5 classification to provide for residential development.

REZONING ORDINANCE NO. 135, 2006.

2006-ZON-818

7907, 7909, 7911, 7915, AND 7925 HUFF STREET AND 7902, 7912 AND 7920 CASWELL STREET (Approximate Address), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25

LAND SCIENCES, INC., requests rezoning of 0.873 acres, from the D-5 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 136, 2006.

2006-ZON-059

8300 AND 8301 CAMBY ROAD (Approximate Address), INDIANAPOLIS

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 22

INDIANA MEMBERS CREDIT UNION by Mac J. Martin requests rezoning of 2.95 acres, from the D-A District, to the C-1 classification to provide for office-buffer commercial uses.

SPECIAL ORDERS - PUBLIC HEARING ON PROPOSED BUDGETS

President Gray called for public testimony on the following budget ordinances and resolutions, but stated that no action is scheduled to be taken by the Council this evening:

PROPOSAL NO. 430, 2006. The proposal adopts the annual budget for the Police Special Service District for 2007. PROPOSAL NO. 431, 2006. The proposal adopts the annual budget for the Fire Special Service District for 2007. PROPOSAL NO. 432, 2006. The proposal adopts the annual budget for the Solid Waste Collection Special Service District for 2007. PROPOSAL NO. 433, 2006. The proposal adopts the annual budget for the Metropolitan Emergency Communications Agency for 2007. PROPOSAL NO. 434, 2006. The proposal adopts the annual budget for the Revenue Bonds Debt Service Funds for 2007. PROPOSAL NO. 435, 2006. The proposal adopts the annual budget for the Marion County Office of Family and Children for 2007. PROPOSAL NO. 436, 2006. The proposal adopts the annual budget for Indianapolis and Marion County for 2007.

Merri Anderson, Marion County Alliance of Neighborhood Associations board member, stated that it is important that dollars allocated to certain departments stay in those departments. She said that if taxes need to be raised to pay for other areas, then raise taxes, but do not take money from an area where the public thinks it is being spent and move it without sufficient public input.

Jim Smashey, citizen, stated that the City continues to take on new debt, such as with the new Colts stadium, even though they still have not paid off old debts, such as the Convention Center and RCA Dome expansion. He said that the Council needs to fire the Cable Communications

Agency director and cut that budget. He added that more money should be put into Marion County from surrounding counties for amenities that benefit a more regional area.

David and Gayle Foy, citizens, introduced their son Christopher and said that Noble of Indiana has helped their family for 32 years and allowed their son to be gainfully employed for 10 years. Christopher has paid \$3,000 in federal and state taxes. Because of Noble, the City has a productive citizen instead of a drain on the community.

Kenneth Brown, citizen, said that with the events of the past summer, he hopes this budget is more geared to meet public safety needs. He added, however, that more taxes are not needed to get this done, and the money should simply be spent more wisely. He said that two-thirds of the Jury Pay Fund has already been spent as of June, and juries are a basic need for criminal justice and public safety.

Katie Cortelyon, citizen, stated that Noble of Indiana gives her pride and helps teach her skills that shee needs to remain employed at Community North Hospital. Noble of Indiana makes a big difference and helps those with disabilities, in turn, make a difference in the community.

Robert Yahara, citizen, asked the Council to continue to engage the faith-based community in addressing public safety needs and bring back the Front Porch Alliance.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 422, 2006. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 422, 2006 on August 9, 2006. The proposal, sponsored by Councillors Moriarty Adams, Oliver and Brown, approves an increase of \$1,100,000 in the 2006 Budget of the Marion County Sheriff (County General Fund) to contract for additional jail beds beginning in 2006. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President Gray called for public testimony at 7:56 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Gibson, for adoption. Proposal No. 422, 2006 was adopted on the following roll call vote; viz:

28 YEAS: Abdulllah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy

0 NAYS:

1 NOT VOTING: Cain

Proposal No. 422, 2006 was retitled FISCAL ORDINANCE NO. 81, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 81, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2006 (City-County Fiscal Ordinance No. 115, 2005) appropriating One Million One Hundred Thousand Dollars (\$1,100,000) in the County General Fund for purposes of the Marion County Sheriff.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 (b) of the City-County Annual Budget for 2006 be, and is hereby, amended by

the increases and reductions hereinafter stated for purposes of the Marion County Sheriff to pay for additional jail beds.

SECTION 2. The sum of One Million One Hundred Thousand Dollars (\$1,100,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	<u>1,100,000</u>
TOTAL INCREASE	1,100,000

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>1,100,000</u>
TOTAL REDUCTION	1,100,000

SECTION 5. The projected December 31, 2006 fund balance for the County General Fund is as follows:

Cash Balance as of June 30, 2006	(2,249,272)
Estimated remaining revenues to be received this year	112,566,488
Proceeds from Borrowing from Sanitary Liquid Waste Fund	<u>1,100,000</u>
Total Funds Available	111,417,216
2006 remaining CY and PY appropriations beginning June 30, 2006	109,582,231
Proposed increase in appropriations	<u>1,100,000</u>
Total Requirements	110,682,231
Estimated Fund Balance December 31, 2006	734,985

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14

PROPOSAL NO. 429, 2006. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 429, 2006 on August 15, 2006. The proposal, sponsored by Councillor Sanders, approves the issuance of "City of Indianapolis, Indiana, Limited Recourse County Option Income Tax Revenue Anticipation Notes" in an original aggregate principal amount not to exceed \$36,000,000. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst asked when the bonds will be paid off. Barbara Lawrence, Indianapolis Bond Bank, stated that it depends on the structure of the financing, but probably the end of 2008 or 2009, as they will be two-year notes. Councillor Borst asked if in the year the bonds are paid off, the City will then lose money. Robert Clifford, City Controller, said that they intend to pay off the notes using county option income tax (COIT) due from the state and excise tax. If the worst case scenario occurs, and these funds are not available to pay off the notes, they will use the 2008 COIT distribution, and then be a year behind. He added that they are running one-tenth of one percent behind, and if they get the money from the trust fund, there will not be any borrowing. Councillor Borst asked if they will then be back to even. Mr. Clifford responded in the affirmative. Councillor Borst said that borrowing money for operating costs is not good policy.

Councillor Gibson said that this is simply a financing tool that is available to help meet the needs of the City.

Councillor Schneider said that he supports Councillor Borst's sentiments and the borrowing from future revenues will be never-ending. He said that they are spending more money than they are

bringing in, interest is accruing, and the debt will never go away. This is like a homeowner borrowing money to pay their water bill. He said that one of the reasons for the fire department consolidation opposition was because townships were borrowing from future revenues, and this seems to be the standard operating policy these days.

Councillor Pfisterer said that this borrowing is based on money not guaranteed. While property taxes are relatively stable, COIT is not, and she is troubled by this proposal.

Councillor Sanders said that there is already \$20 millin in the trust fund that has already been accrued and will be distributed.

Councillor Borst asked Mr. Clifford to provide a flow chart of COIT revenues and distribution for the Council.

President Gray called for public testimony at 8:07 p.m. There being no one present to testify, Councillor Sanders moved, seconded by Councillor Gibson, for adoption. Proposal No. 429, 2006 was adopted on the following roll call vote; viz:

15 YEAS: Abdullah, Bateman, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders

13 NAYS: Borst, Bradford, Cain, Cockrum, Day, Keller, Langsford, McWhirter, Pfisterer, Randolph, Salisbury, Schneider, Speedy

1 NOT VOTING: Plowman

Proposal No. 429, 2006 was retitled SPECIAL ORDINANCE NO. 6, 2006, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 6, 2006

A SPECIAL ORDINANCE approving the issuance of "City of Indianapolis, Indiana, Limited Recourse County Option Income Tax Revenue Anticipation Notes" in an original aggregate principal amount not to exceed Thirty-Six Million Dollars (\$36,000,000).

WHEREAS, on February 22, 2005, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "City-County Council") adopted City-County Special Resolution No. 13, 2005, pursuant to which the City-County Council determined to increase the county option income tax rate imposed in accordance with I.C. 6-3.5-6, as amended, by one-tenth of one percent (0.1%) each year from its current rate of seven-tenths of one percent (0.7%), to a rate not to exceed one percent (1.00%), with such increases to begin effective on July 1, 2005; and

WHEREAS, in accordance with I.C. § 5-1.4-8-6, as amended, the City of Indianapolis, Indiana (the "City") (a) desires to issue limited recourse notes, the principal of, and interest on, which will be payable solely from the revenues anticipated to be received by the City in connection with the county option income tax imposed in Marion County, Indiana, under I.C. 6-3.5-6, as amended, including, but not limited to, the county option income tax revenues received by the City as a result of the increase in the county option income tax rate described in the preceding paragraph (collectively, the "COIT Revenues"), the proceeds of which will be used to pay (i) certain operating and capital expenditures identified in the City's annual budget for 2007 from time to time, (ii) interest on such notes, and (iii) the costs associated, or incurred in connection, with the issuance of such notes, and (b) have such limited recourse notes purchased by The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") on the terms described in this ordinance and such other terms and conditions as are mutually acceptable to the Mayor of the City (the "Mayor"), the Controller of the City (the "Controller"), the Chair of the Bond Bank and the Executive Director of the Bond Bank; and

WHEREAS, the City-County Council now finds that the issuance of said notes should be approved; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA,

SECTION 1. The City-County Council does hereby approve the issuance to the Bond Bank of limited recourse notes of the City, the principal of, and interest on, which are payable solely from the anticipated COIT Revenues, to be designated as "City of Indianapolis, Indiana, Limited Recourse County Option Income Tax Revenue Anticipation Notes" (the "Notes"). The Notes may be issued in one or more series, with such series designation as determined by the Controller at the time such series of Notes are issued for the proper identification of each series of Notes. The aggregate principal amount of the Notes shall not exceed Thirty-Six Million Dollars (\$36,000,000), shall be issued no earlier than January 1, 2007, shall have a final maturity of no later than December 31, 2009, and may be subject to optional redemption prior to final maturity in accordance with the terms and conditions identified in the Qualified Entity Purchase Agreement (as hereinafter defined). The Notes shall bear a maximum interest rate not exceeding seven percent per annum (7.00%) (such rate to be determined pursuant to negotiations with the Bond Bank), and will be purchased by the Bond Bank for a purchase price of not less than ninety-nine and one half percent (99.5%) of the face amount of the Notes. The Notes will be issued to the Bond Bank pursuant to the Qualified Entity Purchase Agreement and be subject to the provisions set forth in this ordinance and such additional terms and conditions as agreed to by the Mayor, the Controller, the Chair of the Bond Bank and the Executive Director of the Bond Bank and set forth in the Qualified Entity Purchase Agreement.

SECTION 2. The proceeds of the Notes shall be used to pay (i) certain operating and capital expenditures identified in the City's annual budget for 2007 from time to time, (ii) interest on the Notes, and (iii) the costs associated, or incurred in connection, with the issuance of the Notes.

SECTION 3. A qualified entity purchase agreement in form and substance acceptable to the Mayor and the Controller (the "Qualified Entity Purchase Agreement"), be, and hereby is, approved, and the Mayor and the Controller are hereby authorized and directed to execute and deliver the Qualified Entity Purchase Agreement in form and substance acceptable to them and consistent with the terms and conditions set forth in this ordinance.

SECTION 4. The Mayor, the Controller and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute and deliver such documents and to take such actions as such person deems necessary or desirable to effect the purposes of this ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14, 36-3-4-15, 36-3-4-16 and 36-3-4-17.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 492, 2005. Councillor Conley reported that the Public Works Committee heard Proposal No. 492, 2005 on August 17, 2006. The proposal, sponsored by Councillor Plowman, authorizes speed limit reductions throughout the Smithfield subdivision (District 25). By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Brown, for adoption. Proposal No. 492, 2006 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy*
0 NAYS:
1 NOT VOTING: *Plowman*

Proposal No. 492, 2006 was retitled GENERAL ORDINANCE NO. 74, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 74, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-323, Alteration of prima facie speed limits.

August 28, 2006

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be and the same is hereby amended by the addition of the following, to wit:

20 MPH

Throughout the Smithfield subdivision, specifically the following:

Smithfield Blvd., Smithfield Lane, Rapp Dr., Kunkel Way, Kunkel Lane,
Ennis Drive, Ennis Way, Aviva Way, Aviva Lane, Frankenberger Dr, Kirlin Court,
Kirklin Circle, Rutherford Drive, Flick Drive, Flick Way, Harriet Drive and Jarvis Drive.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 424, 2006. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 424, 2006 on August 9, 2006. The proposal, sponsored by Councillor Moriarty Adams, amends the Code to authorize a new general fee to be known as the "police department vehicle inspection fee." By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Gibson, for adoption. Proposal No. 424, 2006 was adopted on the following roll call vote; viz:

28 YEAS: *Abduallah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy*
0 NAYS:
1 NOT VOTING: *Plowman*

Proposal No. 424, 2006 was retitled GENERAL ORDINANCE NO. 75, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 75, 2006

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to authorize a new general fee to be known as the "police department vehicle inspection fee."

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Article I of Chapter 131 of the "Revised Code of the Consolidated City and County" regarding fees in general, hereby is amended by the addition of a NEW Section 131-111, to read as follows:

Sec. 131-111. Police department vehicle inspection fee.

The Indianapolis metropolitan police department may charge a fee in the amount of five dollars (\$5.00) for each inspection of a motor vehicle or recreational vehicle pursuant to IC 9-29-4-2. The revenue from the inspection fee shall be deposited in the local law enforcement continuing education fund established by IC 5-2-8-2.

SECTION 2. The fee authorized by this ordinance may be charged, and deposited in the same manner as provided herein, by the Indianapolis police department and the county police force of the Marion County sheriff's department through December 31, 2006.

SECTION 3. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 428, 2006. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 428, 2006 on August 24, 2006. The proposal, sponsored by Councillors Moriarty Adams and Randolph, elects to fund MECA in 2007 with County Option Income Tax (COIT) Revenues. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal No. 428, 2006 was adopted on the following roll call vote; viz:

28 YEAS: Abdullah, Bateman, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy
0 NAYS:
1 NOT VOTING: Plowman

Proposal No. 428, 2006 was retitled SPECIAL ORDINANCE NO. 7, 2006, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 7, 2006

A SPECIAL ORDINANCE electing to fund MECA in 2007 with County Option Income Tax (COIT) Revenues.

WHEREAS, IC 36-8-15-19(b) provides that the city-county council may elect to fund the operation of a public safety communications system and computer facilities special taxing district from part of the certified distribution the county is to receive during a particular calendar year under IC 6-3.5-6-17; and

WHEREAS, the Marion County Metropolitan Emergency Communications Agency ("MECA") is the governing body of the Consolidated City of Indianapolis and Marion County public safety communications system and computer facilities district ("District"); and

WHEREAS, to make such an election for 2007, the city-county council, prior to September 1, 2006, must pass an ordinance specifying the amount of the certified distribution to be used to fund the District; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The city-county council hereby elects to fund the operation of the District through MECA in 2006 from part of the certified distribution the county is to receive under IC 6-3.5-6-17.

SECTION 2. The amount of the certified distribution to be used for this purpose is as follows:

For MECA operations	\$1,000,000
Reimburse Sheriff's Department for emergency dispatch operations	\$6,814,000
Reimburse Indianapolis Fire Dept for emergency dispatch operations	<u>\$2,086,000</u>
TOTAL	\$9,900,000

SECTION 3. Upon adoption, the clerk of the council shall immediately forward a copy of this ordinance to the county auditor.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

NEW BUSINESS

Councillor Bradford said that he recently spoke with the County Clerk regarding the upcoming election, and has found that there is no money to run that election. He said that they are short \$500,000 to run the election. Councillor Sanders said that they have discussed this issue at the Administration and Finance Committee hearing, and the Clerk is working with the City

Controller to get the proper paperwork to appropriate \$385,000 for the election. Councillor Bradford said that he is concerned that the Clerk is being asked to cut her budget, but yet there was no election last year, and she was able to cut then, but must increase to fund the election. This is not new money and should be restored to the Clerk's budget for the election.

Councillor Borst asked if Councillors will receive an updated, mistake-free budget before being asked to vote on it at the next Council meeting. Mr. Clifford said that committee members should have received corrected pages as they are discussed. Councillor Borst stated that in the past, the Controller's Office has provided corrected pages to all Council members, and as all Council members are voting on the budget, it makes more sense that each member receive the corrected pages. Mr. Clifford said that he will get Councillors revised pages.

Councillor Bowes asked if the budget on the website can also be updated to reflect the latest draft. Mr. Clifford said that they can see that this is done.

Councillor Franklin asked if Bart Brown, Chief Financial Officer for the Council Office, is involved with the Controller on correcting these errors. Mr. Brown said that he meets every day with the Controller's Office to correct errors and they have brought in James Steele, former Controller and former CFO for the Council, to help in this process. He said that they will make sure the Council has corrected pages in time to review before the September 18, 2006 Council meeting.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Mansfield in memory of Richard Eagleson; and
- (2) Councillor Boyd, Nytes, Bradford and Borst in memory of James E. Sawyers; and
- (3) Councillor Gray in memory of Gerald A. Beaven and Robert Frank Clemmons.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Richard Eagleson, James E. Sawyers, Gerald A. Beaven and Robert Frank Clemmons. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:21 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 28th day of August, 2006.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)